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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,375	02/24/2004	Ted C. Wells	983-P-1	3394
7590	03/29/2005		EXAMINER	
Gregory J. Nelson NELSON & ROEDIGER Suite 212 3333 E. Camelback road Phoenix, AZ 85018			BENNETT, GEORGE B	
			ART UNIT	PAPER NUMBER
			2859	
DATE MAILED: 03/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/786,375	WELLS, TED C.
	Examiner	Art Unit
	G. Bradley Bennett	2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 June 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date 2. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Information Disclosure Statement and Specification*

1. US Pat. No. 3,753,566 has not been considered. It appears that this number was cited in error, as this patent is titled "Cassette Adapter". For consideration of the intended document, please submit another IDS with the proper number *and* correct the specification (p. 2, l. 11) accordingly.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein.
4. Stein discloses the invention substantially as claimed. Stein discloses a reel **62** with a spool and line **66** and guide members **80, 82**. Stein also discloses criss-crossing lines for the purpose of checking frame alignment. However, Stein does not disclose a single line and a single reel wherein the line is extended from the housing specifically as claimed. It is obvious to remove non-critical elements if the remaining elements perform the same functions as before [see *In re Karlson* 136 USPQ 184 (CCPA 1963)]. Therefore, it would have been obvious at the time the invention was made for one of ordinary skill in the art to eliminate the second line and reel from Stein since the remaining elements will perform the same function as before.

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5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of Kunze.

6. Stein discloses the invention substantially as claimed. However, Stein does not disclose a ratchet and pawl on the reel as claimed. Kunze discloses a ratchet and pawl on a reel to prevent an extended line from accidentally being retracted into the housing. Therefore, it would have been obvious at the time the invention was made for one of ordinary skill in the art to use the ratchet and pawl as taught by Kunze in combination with the device of Stein for the purpose of preventing the reel of Stein from accidentally retracting.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of Adams et al..

8. Stein discloses the invention substantially as claimed. However, Stein does not disclose spools on the guide members as claimed. Adams et al. disclose how spools 136, 138, 154, 158 may be used on guide members for the purpose of easily feeding an elongate member from a reel. Therefore, it would have been obvious at the time the invention was made for one of ordinary skill in the art to use spools on the guide members as taught by Adams et al. in combination with the device of Stein for the purpose of allowing the line of Stein to pass more easily over the guide members.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of McNight.

10. Stein discloses the invention substantially as claimed. However, Stein does not disclose a magnet as claimed. McNight discloses a magnet 41 on a housing for the purpose of attaching the housing to an object. Therefore, it would have been obvious at the time the invention was made

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for one of ordinary skill in the art to use a magnet as taught by McNight in combination with the device of Stein for the purpose of attaching the reel housing of Stein to an object.

11. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of Lagasse.

12. Stein discloses the invention substantially as claimed. However, Stein does not disclose a spreader as claimed. Lagasse discloses an adjustable (see FIGS 5-6) spreader for the purpose of aligning a door frame. Therefore, it would have been obvious at the time the invention was made for one of ordinary skill in the art to use the spreader as taught by Lagasse in combination with the device of Stein for the purpose of further checking alignment of a door frame.

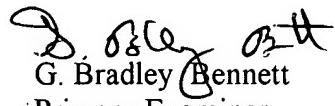
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Bradley Bennett whose telephone number is 571.272.2237. The examiner can normally be reached on M-TH 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on 571.272.2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
G. Bradley Bennett  
Primary Examiner  
Art Unit 2859

gbb  
22 MAR 2005